



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Miljkovic, D. et al.

Appl. No. : 10/067,569

Filed : February 5, 2002

For : NUTRACEUTICALS AND
METHODS OF OBTAINING
NUTRACEUTICALS FROM
TROPICAL CROPS

Examiner : George, Konata M.

) Group Art Unit 1616

) CERTIFICATE OF MAILING

) I hereby certify that this correspondence
) and all marked attachments are being
) deposited with the United States Postal
) Service as first-class mail in an envelope
) addressed to: Commissioner for Patents,
) P.O. Box 1450, Alexandria, VA 22313-
) 1450, on

August 4, 2003

(Date)

Joseph J. Mallon
Joseph J. Mallon, Reg. No. 39,287

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants have received the Office Action of June 5, 2003. Claims 1-64 are currently pending in this application. Since this response is being transmitted to the Office on August 4, 2003, this response is accompanied by a request for an extension of time and the required fee to extend the due date for responding until and including August 5, 2003.

The Office requires restriction to one of the following groups:

- Group I: Claims 1-11, 17-29, 48-52, 58 and 59, drawn to a nutraceutical composition, process of making and method of use, classified in class 424, subclass 400.
- Group II: Claims 12-16 and 30-43, drawn to a food or beverage, classified in class 426, subclass 425.
- Group III: Claims 44-47, drawn to enhancing the nutritional value of food or beverages, classified in class 424, subclass 439.
- Group IV: Claims 53-56, drawn to a composition suitable for application to human skin, classified in class 424, subclass 59.
- Group V: Claim 57, drawn to making an enriched nutraceutical composition, classified in class 424, subclass 439.
- Group VI: Claims 60-64, drawn to making a polyphenol-containing nutraceutical, classified in class 424, subclass 439.

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In response, Applicants hereby elect Group I, Claims 1-11, 17-29, 48-52, 58 and 59, without traverse, for further prosecution on the merits, and understand that the claims of Groups II-VI will be withdrawn as being directed to a non-elected invention.

Applicants reserve the right to file divisional and/or continuation applications containing claims directed to all or part of the subject matter of any claims amended, withdrawn, or canceled at any time during the prosecution of this application, and thus unclaimed subject matter is not dedicated to the public.

This response is intended to be fully responsive to the aforementioned Office Action. However, if some matter or compliance with some requirement has been inadvertently omitted, Applicants respectfully request that they be given a new time period for reply under 37 C.F.R. §1.134 to supply the omission. *See* M.P.E.P. §714.03.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 8/4/03

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